# Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TELEPHONE DEPOSITION OF YARON MENCZEL
October 11, 2016

LONESTAR TECHNOLOGICAL INNOVATIONS, LLC,

Plaintiff,

v.

ACER, INC. and ACER AMERICA CORPORATION,

Defendants.

Civil Action No. 6:15-cv-00973-JRG-JDL

LEAD CASE

JURY TRIAL DEMANDED

LONESTAR TECHNOLOGICAL INNOVATIONS, LLC,

Plaintiff,

v.

SHARP ELECTRONICS CORPORATION,

Defendant.

Civil Action No. 6:15-cv-00972-JRG-JDL

CONSOLIDATED CASE

JURY TRIAL DEMANDED

Pursuant to Notice and the Federal Rules of Civil Procedure, the telephone deposition of YARON MENCZEL, taken by the Acer Defendant, was held at 1400 Wewatta Street, Suite 600, Denver, Colorado, 80202, on Tuesday, October 11, 2016, at 9:03 a.m., before Jason T. Meadors, RPR, CRR, CRC, and Notary Public.

APPEARANCES

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For the Sharp Electronics Defendant

Also Present:
Ken Fung (by telephone)

YARON MENCZEL,

having been first duly sworn to state the whole truth, was examined and testified as follows:

EXAMINATION BY MR. TING:

Q Good evening for you, Dr. Menczel. How are you doing?

A Good. Thank you.

Q Before we begin, how do I pronounce your last name?

A Menczel.

Q Menczel?

A Yeah. Good.

Q Okay. Good. So can you please state your complete name for the record?

A Dr. Yaron Menczel.

Q Okay. And I understand that you're located in Israel today; is that correct?

A That is correct.

Q Are you an Israeli citizen?

A I am.

Q Are you also a U.S. citizen?

A I am so.

done to formalize the step 9 of the patent, which is the formula. The CR of the output is equal to the summation of V1 times LUT 1 of the input number plus UL times LUT2 of the 1 input CB by W1. Similarly, the output CB is equal to the summation of V2, LUT3 of input CR out by U2, U2, LUT4, input CB to W2. Being C, these formulas that they put 14, you get 42.

Q Okay. Let's use -- let's discuss -- let's use look-up table 1 as an example. Look-up table 1 as discussed in the '012 Patent will receive a particular input color component; is that correct?

A Yes.

Q That is the input to look-up table 1, correct?

A Yeah. If it's here. . .

Q And the output of look-up table 1 will be a particular color component; is that correct?

A No. It will be --

Q What is the output --

A This is some kind of permitted number to be used in a complex formula.

Q Okay. So your position is that the output

of look-up table 1 is not a particular color component.

A Correct.

Q Okay. Does look-up table 1 provide a specific output based on a specific input?

A Correct.

Q That is correct?

A Yeah. It has nothing to do with colors. The input is colors. The output is not colors.

Q Okay. But for any given input, there will be a specific output, a single -- sorry. Let me rephrase.

For any given input to look-up table 1, there will be a single and specific output; is that correct?

A Correct.

Q Okay. Now, is that true for look-up tables 2, 3, and 4 as well?

A Correct.

Q Okay. Could you take a look at paragraph 21.

A I do.

Q Okay. So you state the four look-up tables that contain complex formulas far exceed simply mapping an input color to an output individual color, correct?

A Correct.

Q Okay. But do you agree with Dr. Richardson that the function of the look-up tables ultimately is to map an input color to an output individual color?

A No.

MR. LEE: Objection. Form.

A To say that something is used in the middle of a process doesn't mean it's the process.

Q (By Mr. Ting) Okay. But the look-up tables are used to map an input color to an output individual color, correct?

A In a complex way.

Q Sorry. Could you repeat that last question?

A In a very complex way.

Q In a complex way. But it is mapping input color to an output individual color, correct?

A The only -- my car is used to drive it. In that particular way. Now there is LUTs in the

process. That is the point of my answer.

Q I'm sorry. Can you repeat that last answer?

A There is only in my answer -- somehow used for my -- driving my car.

Q Could we go with that one more time? The reporter didn't get it.

A I said the LUTs are used in the process but a very complex way.

Q The LUTs are used --

A And I give an example that a car engine has oil. It is used as part of the driving -- the part of making the car drive. It's complicated how it -- how the oil comes in, how the car moves. Similarly, these two pieces. They do not map color to output individual color. They are used in the process.

Q (By Mr. Ting) Okay. So is it fair to say that the four look-up tables, look-up tables 1 through 4, they utilize complex formulas in order to map an input color to an output individual color; is that correct?

A Not -- no, it's not correct.

Q What's incorrect about that?

A They are used in the process, but they don't do mapping of input color to an output individual color.

Q And why don't they do mapping?

A As I said, it's a formalized step 9. The formula of step 9 says how exactly the output colors are decided. For instance, there is a color V1 which totally changes it. Without V1, you do not have a color. So you cannot say that the four LUTs are used to give you a color.

If you don't know the V1, U1, W1, V2, U2, W2, you cannot get an output color. So it's wrong to say it's a mapping from one color to color, because it's not correct. There are other things. I give the example of the engine. There is oil and there is gas. Another thing. I sure there's 20 pistons. But there are a lot of things that make the engine work.

There are a lot of things that make the output individual color happen, the four LUTs happen to be one of them, not the entire stuff.

Q Okay. So where does color -- where does V1 come from?

A Constant.
Q Did you say constant?
A Uh-huh.
Q So is it fair to say that inputting a color into the look-up tables will result in an output of a single and specific individual color?
A No.
Q And is that because of the complex formulas you discussed?
A Correct.
Q And is it your opinion that the complex formulas are a part of the look-up tables?
A No. Look-up table are used as part of the formulas. Not the other way around.
Q Okay. So the look-up tables are involved in helping to map an input color to an output individual color, correct?
A That's correct.
Q All right. So turning now to your declaration, if you can turn to page 7 of your declaration.
A Yeah.

Q Okay. So let me backtrack real quick. So take a look at paragraph 21.

A I'm there.

Q You state the four look-up tables, LUT1 through LUT4, that contain complex formulas far exceed simply mapping an input color to an output individual color. Do you see that?

A I see it.

Q So when you state that the four look-up tables contain complex formulas, was that an incorrect statement?

A It could -- now, it is a correct statement, but it's not the entire statement, because they're used in a complex formula. If I --

Q Okay. So --

A I'll rewrite it a little differently because they're used in -- the correct -- contain the correct formula, but they're always used in complex formulas. So I'm basically looking at 21.

Q So can you just give me the full sentence how you would rewrite it?

MR. LEE: Objection. Form.

Q And you're referencing paragraph 26, correct, for the citation?

A Yes.

Q Okay. So this is the -- the only use of specification support for your alternate construction are the citations in paragraph 23 and paragraph 26, correct?

MR. LEE: Objection. Form.

Q (By Mr. Ting) Dr. Menczel, is that correct?

A Correct.

Q Can you please turn to paragraph 26.

A I'm there.

Q Do you see in the middle of paragraph 26 where you write: But, Dr. Richardson's analysis is erroneous because a portion of the specification cited by Dr. Richardson concerns a nonlimiting, preferred embodiment, the YCBCR color space. Do you see that?

A I do.

Q What do you mean by "nonlimiting preferred embodiment"?

A Specification, as I understand them, I'm not a lawyer, give examples of how to make the -- how to

make the method. Specific way to make the methods. But there can be many of them. We do not have to -- we do not have to list or enumerate every possible way of implementing the method. So this one is the method of embodiment, probably preferred, but definitely not limited. There may be others.

Q Okay. Now, you do not identify anywhere in the '012 Patent where the specification describes how the method of the present invention is applicable to other formats other than the YCBCR color space; is that correct?

MR. LEE: Objection. Form.

A I think you are right. It's only described in the YCBCR.

Q (By Mr. Ting) Okay. So is it fair to say that the '012 Patent specification only teaches a person of ordinary skill in the art how to implement its method in the YCBCR color space; is that correct?

MR. LEE: Objection. Form.

A It's an example, but it says -- and I would say, that the method of the pertinent invention is applicable to other formats.

Q (By Mr. Ting) Right. It states that the method of the present invention is applicable to other formats, but it doesn't actually teach how the method would be implemented in other formats; is that correct?

MR. LEE: Objection. Form.

A I guess, but you know, there are many formats. There could be more than a thousand formats. You do not expect to match specification with every possible format.

Q (By Mr. Ting) Okay. But in this particular instance, the only format that the patent teaches how to implement -- let me rephrase the question.

But the '012 Patent only teaches how to implement its method in the YCBCR color space, correct?

MR. LEE: Objection. Form.

A It gives an embodiment in the YCBCR color space.

Q (By Mr. Ting) Okay. And there's no other embodiments about any other color spaces, correct?

A Correct.

Q Okay. And the patent does not actually describe how the method is to be applied to other formats, correct?

A It doesn't give an embodiment in other formats.

Q Okay. So it does not have that description, correct?

A For -- there's no embodiment for other formats.

Q Okay. And nowhere in your declaration do you explain how the patented method would be applicable to other formats, correct?

A I would not -- this is not part of the term construction.

Q Okay. So the answer is no, correct?

A Correct.

Q Okay. Now, the term chromatic components. That's not limited to the YCBCR color space; is that correct?

A No. It's not limited.

Q Okay. So, for example, are you familiar with YUB, the YUB color space?

A Yes.
Q And you understand that chromatic components are used to refer to the UB portion of YUB, correct?
A Correct.
Q And are you also familiar with the YIQ color space?
A I do.
Q And the term chromatic components refers to the IQ portion of YIQ; is that correct?
A Correct.
Q Okay. So your only disagreement with the defendant's proposed construction is because you believe that defendant's and Dr. Richardson are only analyzing one embodiment in the patent; is that correct?
MR. LEE: Objection. Form.
A That -- they are making a conclusion based on the fact there is only one embodiment of YCBCR to define many -- the get a conclusion that simply works.
Q (By Mr. Ting) Okay. Now, Dr. Richardson's analysis of this claim term is correct for that embodiment that discusses the -- that you refer to as

the YCBCR color space embodiment, correct?

A But the specification is not on that -- is not on that color space. The specification is general for every color space. So the question is -- is irrelevant.

Q Okay. Whether -- regardless of whether you believe my question is irrelevant, is Dr. Richardson's analysis of this claim term correct for the one embodiment that is disclosed?

MR. LEE: Objection. Form.

A We're not doing a claim on one embodiment.

Q (By Mr. Ting) Okay. So in your declaration, you do not dispute that Dr. Richardson's analysis is correct for that one embodiment. Is that correct?

A I dispute it.

Q Why do you dispute that his analysis incorrect for that one embodiment?

A Because he put words into the claim that are not good. Like he used the word chromatic components. It's not part of the claim.

Q So you believe that his construction and his

opinions are incorrect because he's using words that are not part of the claim; is that correct?

MR. LEE: Objection. Form.

A He used, in his construction, the word chromatic component. There is no reason to put it in.

Q (By Mr. Ting) Okay. Do you see the sentence in the middle of paragraph 26 where you write: But the specification is explicit that patent claims applies to many formats, not just formats that Dr. Richardson seeks to import, followed by a quotation to the '012 Patent. Do you see that?

A Uh-huh.

Q Okay. What do you mean by formats Dr. Richardson seems to import?

A He's trying, I believe, to import a limitation into the claim that is -- basically are not good.

Q And you believe that the -- sorry, what is the basis -- what is the language that he uses that you believe is importing other formats?

MR. LEE: Objection. Form.

A It's chromatic components.

Q (By Mr. Ting) Okay.
A The chromatic components.
Q So chromatic components, correct?
A Yes.
Q Can you please turn to paragraph 28 of your declaration. This is on page 8 under subsection C for the claim term, color control parameters. Do you see that?
A I do.
Q Okay. Paragraph 28 through 33 contain the entire sum of your opinions regarding this term; is that correct?
A Correct.
Q Okay. What is your definition of the term parameter?
A We look in the dictionary, so I believe the dictionary, I looked before, and it says a program that is given a constant value for a specified limitation.
Q Okay. So in offering your opinion regarding the construction of color control parameters, you took the term and looked it up in a dictionary, correct?

A Correct.

Q And that's all you did, correct, you went to the dictionary and looked up the term?

A For the claim, the word color control parameter is self-understood by a person of ordinary skill in the art. And if it's needed, then I would look the word -- I tried to look for color control parameter. I couldn't find it. I found parameter and this is the value I got for parameter.

Q Okay. So to -- sorry.

Okay. So to analyze this claim term, you simply took the claim term and tried to look it up in the new IEEE Standard Dictionary of Electrical and Electronic Terms, Fifth Edition, 1993, correct?

MR. LEE: Objection. Form.

Q (By Mr. Ting) Is that correct, Dr. Menczel?

A I said yes.

Q Okay. So can you please take a look at paragraph 30. So in paragraph 30, you are relying on the arguments you previously made -- let me rephrase that.

Do you see in paragraph 30 where you said, Earlier, I explained how Dr. Richardson attempts to limit claim terms to YCBCR color space, which is erroneous?

A I do.

Q When you say "earlier," what are you referring to?

A The section before, about color component functions. Yes. Section B.

Q Okay. So just to clarify, you're referring to your -- the opinions you offered in section B, individual color control functions, correct?

A Yes.

Q So you have nothing in addition to add beyond that for -- for this term, correct?

MR. LEE: Objection. Form.

A No, I also say part of 31. Previously, I have already explained the look-up table do not merely contain color input and color output mapping.

Q (By Mr. Ting) Okay. So let me rephrase my question.

So when you say, Earlier, I explained how

Q Okay. So when we're discussing viewer, we're discussing viewer as it's used in claim 17 of the '012 Patent, correct?

A Correct.

Q Now, can you take a look at claim 17 of the '012 Patent?

MR. LEE: '435.

Q (By Mr. Ting) I'm sorry, the '435 Patent? Claim 17 of the '435 Patent?

A Hold on. '435.

Q The '435 Patent, for the record, is Exhibit 4. And let me know when you're at claim 17 of the '435 Patent.

A I'm there.

Q Okay. Now, you state that a person -- that one of ordinary skill in the art would understand the meaning of the term viewer; is that correct?

A Correct.

Q What would a person of ordinary skill in the art understand the term viewer to mean?

A Exactly what it says.

Q But -- but if I was going to ask you to tell

me what the viewer is, what would you say?

A Somebody that views.

Q Did you say somebody that views?

A Uh-huh.

Q So a person that views, correct?

A Correct.

MR. TING: So why don't we take a break. I just want to check my notes. I believe I'm ready to pass the witness. Let me just confirm. Can we --

Matt, do we want to take a longer break to let you get ready to take over?

MR. HOLOHAN: I think we can just do five minutes. Unless the witness wants longer.

MR. LEE: Dr. Menczel, would you like longer?

THE WITNESS: Maybe 10, a little longer.

MR. TING: Okay. Let's do 10 minutes.

MR. LEE: Quick question. Are we getting close to being done on your end? I just know that he's about eight hours ahead of you guys. This is for Matt.

MR. HOLOHAN: I think --

MR. TING: Yeah, I'm 99 percent certain for Acer that I'm done, so, Matt, I don't know how long you had planned.

MR. HOLOHAN: I think my questioning will take an hour at the very longest. Most likely less than that.

MR. LEE: Thank you. I appreciate it. Let's take a ten-minute break.

THE WITNESS: Okay.

(Recess from 11:15 a.m. to 11:25 a.m.)

MR. TING: This is Michael Ting. I will pass the witness to Matt Holohan.

MR. LEE: And Doctor, you're back?

THE WITNESS: I'm back, yes.

EXAMINATION BY MR. HOLOHAN:

Q All right. Good evening, Dr. Menczel. My name is Matt Holohan. I'm representing Sharp Electronics Corporation. I have a few more questions about some of the other terms that Acer's counsel did not ask you about.

I'm going to be jumping around a little bit

regular red.

Q (By Mr. Holohan) Okay. So focusing on defendant's proposed alternate construction for individual color, which is the linear combination of base colors, you're saying that even if you were to define a color at a specific linear combination -- actually, strike that question.

You say, in the regular world, a color defined as a linear combination of base colors would still be a range of colors. But in the digital world, you could actually express a color as a specific linear combination of base colors, right?

MR. LEE: Objection. Form.

A Again, the issue here was that the -- and the defendant inventor, and the defendant used the word "specific." That was the example that was given. The fire engine red.

Okay. We take out the words "specific" in the definition, because the definition is not -- in the second part, with the linear combination of color components, such as red, green, blue, yellow, cayenne,

and magenta, it's fine. We'll even be on the same combinations, but other -- other than that, we're saying the same thing. The issue here is, specific or not specific.

Q (By Mr. Holohan) Okay. So the only --

A And my chosen words of fire engine red, is probably not the best picture of it.

Q Okay. So your objection to defendant's proposed construction is just the use of the word "specific." Is that accurate?

A Yes.

Q Okay.

A And -- and component. Still a component. Because as you say, it's particular for the definition, the specification, that it says component.

So I say -- I'm going to say, linear combination; could be I meant combinations. Not component. Component is in both -- both constructions.

Q Okay. So --

A The combination --

Q So you say that an individual color needs to

be combinations, plural, not a linear combination.

A Yes, exactly.

Q Okay. But in the specification cites that I just read to you, in column 1 of each patent, it just says, A linear combination of colors or color components, right?

A Let me see. Certain linear combination, singular, yes.

Q Okay. Can you please -- if you look at pages 13 and 14 of your declaration, can you just tell me where those images that you reproduced in your declaration came from?

A Two of them -- two of them. Took them both out to be -- talking about the color spectrum.

Q Yes.

A The general note. They're coming from the Internet.

Q Okay. You just found them on the Internet?

A Yes.

Q All right. And when you talk about, in paragraph 42, the six corners of the RGB cube, each one of those corners can be defined as a linear

A Which are red, blue, yellow, magenta, and cayenne.

Q Right. So red, green, blue, yellow --

A And here they use the word, linear combinations, plural.

Q Okay. So I just want to clarify something. So it says the individual color components are red, green, blue, yellow, magenta, and cayenne, and those have the 255 saturation values, right?

A Yes.

Q So is an individual color the same as an individual color component?

MR. LEE: Objection. Form.

A It says in the one you quoted, Color one, herein, and it's '012 patent, in line 19 through 24, herein, and the blue color, present the linear combination of colors or color component. Which from that, my understanding, they're the same thing.

Q (By Mr. Holohan) Okay. And then in paragraphs 45 to 49, you talk about equations and the '435 Patent and also adjusts the color components red,

green, and blue, right?

A From cayenne and magenta and yellow.

Q Okay. But it's color components that are being adjusted in those equations, right?

A It says color blue.

Q Color what?

A For limiting it. . . when I -- if we go to the '435, I'm sure we visit the word color component, and it says -- after. . . it says, Identify each input image picture having red, R, as the original color whose hue or saturation was selected to be independently changed. So I don't see the word "component" here.

Q Right. But if we -- in the '012 Patent, red, green, and blue, yellow, cayenne, and magenta were individual color components and it's those same -- the same colors that are being manipulated in the '435 Patent in the specification cites you're reporting to, correct?

A Yeah --

MR. LEE: Objection. Form.

A -- I think you need to change the word

"component" for "color" for the words there.

Q (By Mr. Holohan) I'm sorry. Say that again?

A I think you need to change the word "color" for "color component" in both patents.

Q So your view is the color and color component are interchangeable in the patents?

A Yes.

Q Okay.

A Yes.

Q Do you agree that the term "individual color" should have the same meaning in both the '012 and the '435 Patents?

A Yes.

Q Okay. If you could turn back a few pages to page 10 of your declaration. I want to talk about the term, Whereby all other colors of the digital video input image remain unchanged.

Now, the defendant's proposed construction is, Whereby all other pixels of the digital video input image without the same color component values remain unchanged. In your opinion, is that the term

should be given its plain and ordinary meaning, or alternatively, whereby all colors of the digital video input image without the same color component values remain unchanged. So would you agree with me that the -- the disagreement between the parties here is the use of the word pixels as opposed to colors?

A I think so, yeah.

Q Now, in digital video image, colors are expressed as pixels, right?

A No.

Q How is that incorrect?

A Colors are attributes of pixels.

Q Colors are?

A Attributes of pixels.

Q Attributes of pixels. What other attributes of pixels are there besides color?

A Luminance.

Q Okay. Anything else?

A Colors. Luminance. I guess the pixels themselves, by the resolution and depth of field, also do express something.

Q Okay. But --

A And the number of them and how big they are and other expressions.

Q Okay. Is there any way in digital video, in a digital video image, that a color would be expressed other than using a pixel to express the color?

A Colors appear in an attribute of pixels.

Q Right. So if the --

A The perception you get is after you look at many pixels, you get a perception of color.

Q All right. So if -- if --

A But, again, the colors are not pixels -- you're putting words in the claim that is not really there. The claim they write -- to use the word "pixel" is included. He uses the word pixel other places in the claim.

Q Right. So --

A If he wants to put there -- yes.

Q If you're changing a color in a video display, what you're doing is changing the pixels that are expressing that color, right?

A If you -- that -- the implementation may use color pixels. But that's implementation only.

Q That's implementation only?
A Yeah. The document, this implementation, shows you how to take bits, because you have pixels, and change them, either by look-up table or directly, depends in the patent that we are talking.
Q What other implementations are there that would allow to you change colors without changing pixels?
A There -- there may be. There may not be. But that's not the issue. The issue is what remains in this construction. The construction is, other colors in the digital video input image remain the same. We didn't say pixels remain the same. We said colors remain the same. That's one. I gave you another one. It's luminance. It can make a difference here.
Q Okay. But you're not able to identify any implementations in which you could change colors without changing pixels. Is that fair to say?
MR. LEE: Objection. Form.
A Say it again. If you, what, if you like pixels, you may change -- you may change and not

change luminance. And here, we're not talking about luminance. We're talking about colors.

Q (By Mr. Holohan) But if you are changing colors, you are changing pixels, right?

A A way to implement it is by changing pixels.

Q And you're not able to --

A But that -- but the method is here that you are not changing other colors. Not other pixels. An example, if you change a pixel and you leave the color as is, but you change the luminance, the pixel has changed, and the color hasn't changed. Okay? In your definition, you -- you took this as a subset of the method. And that's -- of the claim, and that's not what the claim record indicated.

Q I understand you can change pixels without changing colors. But when I'm trying to clarify that, and I don't think we're in disagreement on this, is that you cannot change colors without changing pixels. Is that accurate?

A Okay. But that -- maybe. But that's not what you're saying. You're saying all other pixels of the video input image without the same color component

color orange be affected?

MR. LEE: Objection. Form.

A Only the colors -- only colors -- only the red color will be affected.

Q (By Mr. Holohan) But --

A Any other color would not be affected.

Q But orange --

A And when you say "other," you have to be very careful how to decide -- how they decide each color. Okay? If the orange is not defined as a red, then it will not be affected.

Q Okay. So if I defined -- if I define -- okay.

So the color orange has red as a component, right?

A But it -- has not -- every color might have red as a -- as a base vector that measures into the combination. The bottom thing is, is how the linear combinations are defined.

Q Okay. So if the color orange in a video display is defined such that it has a red component in it, okay?

A Again, not -- not the implementation.
Q Not what?
A If, bearing to the issue, if we define the colors as -- can be one color is orange -- is red, and then define in explicit, nonmutual color as orange, then the orange will not be affected. If the orange happened to be part of the red, then the orange will be affected. It's all -- all depends on the definitions in what color is for every color.
Q Right. So that's what I'm asking. If you have a display implemented in such a way that orange is -- that orange includes red as a component --
A It's not a matter of a component. It a matter of how far you define the spectrum of red to include, to go far enough, and you contain the orange in red, the orange is part of the red. It's a method of definition. It's up to the inventor to define each color, what it is. That's why I was so careful to say colors and not pixels.
Q Okay. So it's possible to implement the '012 Patent in a way where the definition of red includes orange. So if I adjust red, I'm also

adjusting orange. Is that accurate?

MR. LEE: Object to form.

A If -- if you define red that is very wide, define the orange as colors, then that's -- that's omitted, yeah.

Q (By Mr. Holohan) Then that's what?

A That's what it implies.

Q And that implementation would fall within the '012 Patent, right?

A Yes. Because the patent '012 or '435 do not give the way to how to divide the colors. Where is the line.

Q Okay. All right. So I want to skip over to page 20 of your declaration, where you talk about the term, Without affecting the hue or saturation of any other individual color. Let me know when you have that in front of you.

A I do.

Q Okay.

A I think we should take a break -- take a break by now because it's an hour.

MR. HOLOHAN: Okay. That's fine. I thought

I would get this done in an hour, but looks like I have another 20 minutes or so. So we can take a five-minute break.

THE WITNESS: Okay.

(Recess from 12:11 p.m. to 12:20 p.m.)

MR. HOLOHAN: All right. Let's go back on.

Q (By Mr. Holohan) Dr. Menczel, just talking briefly about the claim of limitation. Without affecting the hue or the saturation of any other individual color which is from the '435 Patent, similar to the '012 Patent, the term you were just talking about, could I construct a system, according to the '435 Patent, where the color red is defined such that if I adjust the hue of red, I will also adjust the hue of orange?

MR. LEE: Object to form.

A Exactly as we said before. If orange will be defined as part of red in the perception and the way you define the parameters in the '435 Patent, then obviously when you change the color red as -- the color that looks to you particularly orange will also be affected.

Q Let me just ask.

A Dr. Richardson is saying it's not -- it's not teaching us what the acceptable range will be. Okay? So he's saying, it can be anything from a single integer. He doesn't really get to the point that we're talking about a range. He said, Single integer to an infinite number within this -- he didn't say boundaries. That was the problem with his definition.

Q So does the patent give boundaries?

A He could have written -- could be anything from an integer, one single integer to another. So from one integer to another integer, where each integer can be a single integer to an infinite number to -- no, any -- so where each integer can be of single value, with zero value, to an infinite value, then I may agree. It's -- he's talking about a number. He's talking single integer. He's talking about infinite number of integers. He's not talking about the range.

Q Okay. So when you say a range of integers, would you agree that when the patent says -- the '435

Patent says arbitrary interval with integers, that could be a range of zero to an infinite number of integers?

MR. LEE: Objection. Form.

A I don't understand what infinite number of integers means. I know integer has a value of infinite. I don't understand what an infinite number of integers in this context means.

Q (By Mr. Holohan) Well, let me ask you: In your opinion, what is the upper limit on the range of the interval of integers in the '435 Patent?

A Arbitrary.

Q So there's no upward limit on what the range could be.

A Yes.

Q And it could be a -- it could be as small as one integer or two, right?

A Again, the range -- you're talking about the range size.

Q Yes.

A Okay. He didn't say the word "range size."

Q I'm asking for your opinion. How small can

the range be? Can it be one integer?

A Again, it could -- it's designed in whole numbers. That's why he used the word "integers" here, and it can be any number between zero to any arbitrary number you want.

Q Okay.

A The size of the range.

Q Okay. Why do you say that the interval between minus 1 and plus 1 in claim 6 of the '435 Patent contemplates fractions?

A Because that's how it appears in the patent. If you look at the formula that he uses in '435, he uses numbers between minus 1 and plus 1.

Q Where in the '435 Patent are you looking for that?

A As an example, if you look at column 13. Okay? Where he defined the value HR. The value of HR is defined, I believe, internally between minus 1 to plus 1. It should say somewhere, I think, because you can see the formula. He uses 1 minus HR and then he uses HR. Okay? Internally, when he calculates, he uses a number between minus 1 to plus 1. In -- for

understand what everybody wants.

MR. TING: Yes, for Acer.

MR. LEE: I need to check with my client and get back to you on that, Jason.

THE REPORTER: Very good.

MR. HOLOHAN: Yes for us.

(Deposition adjourned at 12:45 p.m.)

* * *

REPORTER CERTIFICATE

I, JASON T. MEADORS, Registered Professional Reporter, Certified Realtime Reporter, Certified Realtime Captioner, and Notary Public, appointed to take the deposition of

YARON MENCZEL,

certify that prior to the deposition the witness was sworn by me to tell the truth; that the deposition was taken by me at 1400 Wewatta Street, Suite 600, Denver, Colorado, on October 11, 2016.

I certify that the proceedings were reduced to typewritten form by computer-aided transcription consisting of 103 pages herein; that the foregoing is an accurate transcript of the proceedings.

I certify that I am not related to, employed by, of counsel to any party or attorney herein, nor interested in the outcome of this litigation.

I further certify review of the transcript was requested.

Attested to by me this 11th day of October, 2016.

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